Supreme Court, U. S.
FILED
JUN 19 1978
MICHAEL RODAK, JR., CLERK

IN THE
Supreme Court of the United States
OCTOBER TERM, 1977

No. 77-955

JAMES M. POWELL,
Petitioner

v.

RONALD V. DELLUMS, et al.,
Respondents

No. 77-1129

JERRY V. WILSON, CHIEF,
METROPOLITAN POLICE DEPARTMENT
and DISTRICT OF COLUMBIA,
Petitioners

v.

HONORABLE RONALD V. DELLUMS, et al.,
Respondents

RESPONDENTS' OBJECTION TO MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE OF THE INTERNATIONAL CHIEFS OF POLICE

WARREN K. KAPLAN
1801 K Street, N.W.
Suite 1100K
Washington, D.C. 20006
Telephone: 833-3700

LAWRENCE H. MIREL
918 16th Street, N.W.
Suite 503
Washington, D.C. 20006
Telephone: 466-3030

OF COUNSEL:
RALPH J. TEMPLE
American Civil Liberties
Union Fund
1345 E Street, N.W.
Suite 301
Washington, D.C. 20004
Telephone: 638-6263

THE CASILLAS PRESS, INC.—1717 K Street, N. W.—Washington, D. C.—223-1220

IN THE

Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-955

JAMES M. POWELL,

Petitioner

v.

RONALD V. DELLUMS, ET AL.,

Respondents

No. 77-1129

JERRY V. WILSON, CHIEF,
METROPOLITAN POLICE DEPARTMENT
and DISTRICT OF COLUMBIA,

Petitioners

v.

HONORABLE RONALD V. DELLUMS, et al.,

Respondents

RESPONDENTS' OBJECTION TO MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE OF THE INTERNATIONAL CHIEFS OF POLICE

Respondents oppose the motion for leave to file brief *amicus curiae* of the International Association of Chiefs of Police on the ground that said motion was not timely filed, and the filing of an *amicus* brief can serve only to further delay disposition of this petition.

Rule 42(1) of the rules of this Court requires that a motion for leave to file a brief *amicus curiae* may be filed ". . . only if submitted a reasonable time prior to the consideration of

. . . the petition for writ of certiorari. Such motions are not favored."

Respondents are informed by the clerk's office that the petitions were considered by the Court on April 14, 1978. Accordingly, the motion for leave to file an *amicus* brief was not timely filed, and should be denied.*

WARREN K. KAPLAN
1801 K Street, N.W.
Suite 1100K
Washington, D.C. 20006
Telephone: 833-3700

LAWRENCE H. MIREL
918 16th Street, N.W.
Suite 503
Washington, D.C. 20006
Telephone: 466-3030

OF COUNSEL:
RALPH J. TEMPLE
American Civil Liberties
Union Fund
1345 E Street, N.W.
Suite 301
Washington, D.C. 20004
Telephone: 638-6263

*Additionally, respondents question the propriety of the instant motion being filed by Gil[bert] Zimmerman ("of counsel"), in light of the ethical restrictions of disciplinary Rule 5-101 of the Code of Professional Responsibility as amended by the District of Columbia Court of Appeals. Mr. Zimmerman was an eyewitness to the arrests which gave rise to this case, and testified at length as defendant Powell's principal witness at trial. A primary defense contention of petitioner Powell was that he ordered the arrests with the advice and concurrence of Mr. Zimmerman. Mr. Zimmerman's role as witness would seem to furnish additional ground for rejecting pleadings in which he now seeks to appear as counsel.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of June, 1978, a copy of the foregoing Objection to Motion for Leave to File Brief Amicus Curaie was mailed, postage prepaid, to:

David Sutton, Esquire
Asst. Corporation Counsel
District Building
14th & E Streets, N.W.
Washington, D.C. 20004

Wade H. McCree, Jr., Esquire
Solicitor General
U.S. Department of Justice
10th St. & Constitution Ave., N.W.
Washington, D.C. 20530

Warren K. Kaplan

see

77

1129